

**Arizona Public Service Co.
800Mhz re-banding options in Mexican border zone**

**Before the
Federal Communications Commission
Washington, D.C. 20554**

)	November 24 th , 2004
In the Matter of:)	
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Improving Public Safety Communications in)	
the 800 MHz Band)	
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Consolidating the 900 MHz Industrial/Land)	WT Docket No. 02-55
Transportation and Business Pool Channels)	
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Arizona Public Service Company (APS) hereby submits this response to the 800 MHz re-banding proposal (FCC proceeding 02-55) in regards to the NEXTEL raised *ex parte* issues related to interference. Reference FCC 04-253 Released: October 22, 2004.

APS and its parent, Pinnacle West Capital Corporation, have submitted several sets of comments in this rulemaking and has also submitted comments as a participant in the "Border coalition". APS is submitting these comments with the hope that rule clarifications are made which will speed the implementation of the report and order and provide APS and other Arizona public safety and critical infrastructure entities interference relief.

Interference mitigation comments:

If the position is taken to postpone the rule mandated interference protection until after a region is converted, APS requests that the interference protection takes place when the area is 'essentially complete' rather than 100% complete. This is requested to avoid the case where small problems that keep an area from being 100% complete also postpone the requirement for interference protection. An area should obviously be considered complete if NEXTEL has occupied the old NPSPAC channels. Also the rule mandated interference protections should begin within 12 months from the start of the re-banding in a region regardless of any implementation constraint.

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Interference protection near the Mexican Border zone.

The border areas (70 miles adjacent to Canada and Mexico) include 17 states. It is estimated that the border areas affects over 14% percent of the U.S. economy using analysis of U.S. Census Bureau and Department of Commerce data that measures border region activity as indicated by annual payroll figures.

The report and order FCC 04-168 (*800 MHz Public Safety Order*), released on August 6, 2004 states that the border area issues will be dealt with by utilizing treaty negotiation. A few items should be clarified to facilitate the re-banding implementation in the **non-border** areas, without adverse interference being caused to the border area communities.

1) To avoid co-channel and adjacent channel interference near the 70 mile border zone edge, the rules should clarify how frequency coordination at the border zone edge during the transition will take place.

1.1) The use of channels between 866 and 869 (the old NPSPAC area) should not be licensed or used by low site SMR in the regular area near the border zone edge until after the border zone transition is completed, as this will interfere with public safety use of the NPSPAC channels in the border zone near the border zone edge.

1.2) Secondary use of Mexican and Canadian border zone channels on US soil (used on an non interfering basis with Canada or Mexico) should not conflict with the new band plan in the regular area. Efforts and cost to clear any secondary use licenses in the border zone that may interfere with the new regular zone NPSPAC channels (851-854) should be considered part of the regular zone re-banding efforts.

1.3) To help eliminate co-channel interference, the rules during the transition should allow and promote the swapping of channels between US licensees in the Mexican border zone to swap PS/ILT/BS users that are licensed in the range 861-866 with NEXTEL and other low site SMR's that have licenses in 856-862. This will eliminate some of the conflicts (excluding the NPSPAC conflicts) at the Mexican border zone edge due to dissimilar band plans. This is practically important in communities such as Tucson, Arizona which straddles the 70 mile border zone edge. Swapping of the 47 PS/ILT/BS Tucson area licenses above 861 (not including the NPSPAC channels) can easily be accommodated by NEXTEL with 105 Tucson area licenses in 856-861. These Interference mitigation benefits can be gained without waiting for the border zone treaty to be re-negotiated.

1.4) During the transition and the treaty negotiations periods, applications for new 800 licenses in the border zone should be conforming with the expected band plan. For example NEXTEL should not be continuing to license frequencies

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below 862 and PS/ILT/BS should not be licensing new frequencies between 862 and 866.

2) A means to update the TA as to the progress of the treaty negotiations should be established. Is it a correct assumption that the FCC is the entity that is responsible to facilitate the treaty negotiation? Are the costs related to the treaty negotiations a cost that the TA will also administer?

Other Clarifications

3) Channel loading requirements should be temporarily waived during the transition period if additional channels are temporarily added to an entities system to accommodate the transition.

4) Applications for frequencies by Critical Infrastructure during the 3 year moratorium post re-banding period should be allowed to proceed IF the local regional chapter of APCO approves of the request in writing.

5) In areas where short spaced co-channel conflicts exists between Critical Infrastructure and NEXTEL or Public Safety and NEXTEL, when NEXTEL vacates the channel, the channel should not automatically be marked as available for public safety use, as coordination of new licenses should not and would not overlap the existing Public Safety or Critical Infrastructure licenses in a manner as Nextel has done. A clearer definition of what contour is to be reserved will help define the reserved spectrum and allow Critical infrastructure and ITL/BS to license available spectrum to meet business needs.

If you have any questions or concerns please address them to:

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Sincerely,

/s/ Mitchel S. Burns

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Arizona Public Service Company